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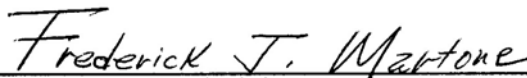
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5 **NOT FOR PUBLICATION**
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Miguel Martinez-Amaya,) No. CV-08-1378-PHX-FJM
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 United States of America,)
14 Defendant.)
15 _____)
16

17 We have before us plaintiff's motion to vacate, set aside, or correct sentence pursuant
18 to 28 U.S.C. § 2255 (doc. 1), defendant's response (doc. 7), and plaintiff's reply (doc. 16).
19 We also have before us the report and recommendation of the United States Magistrate Judge
20 recommending that plaintiff's motion be denied (doc. 17). Plaintiff has not objected to the
21 report and recommendation and the time for doing so has expired.

22 The court accepts the recommended decision of the Magistrate Judge pursuant to Rule
23 10, Rules Governing § 2255 Cases, and 28 U.S.C. § 636(b). Therefore, **IT IS ORDERED**
24 **DENYING** the motion to vacate, set aside, or correct sentence (doc. 1).

25 DATED this 29th day of December, 2009.

26
27 
28 Frederick J. Martone
United States District Judge